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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 11 July 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the final report of the Meeting of Experts on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities, held in Mexico City from 11 to 14 June 2002 (see annex).

I should be grateful if this letter and its annex could be circulated as a document of the General Assembly under agenda item 111 (b) of the preliminary list so that the report can be considered by the Ad Hoc Committee to consider proposals for the convention at its session to be held from 29 July to 9 August 2002.

(*Signed*) Adolfo **Aguilar Zinser**
Permanent Representative

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Report of the Meeting of Experts on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities (Mexico City, 11-14 June 2002)

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I. Introduction

The Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance included a proposal by Mexico to invite the General Assembly to consider the drafting of a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.

In his statement during the general debate of the fifty-sixth session of the General Assembly, the President of the United Mexican States, Mr. Vicente Fox, urged the international community to give priority to the fight against poverty and social exclusion. The President reaffirmed Mexico's willingness to play a leading role in the promotion of a development programme, giving it new impetus and more effective means of fulfilling the commitments undertaken in the Millennium Declaration.

He also observed that all societies, without exception, must become involved in the processes of joint creation and equitable distribution of the opportunities and benefits of globalization and that all citizens must actively participate in those processes, since it would be impossible to achieve greater justice in the world if certain groups were excluded from those processes.

To that end, Mexico submitted to the fifty-sixth session of the General Assembly a proposal for the establishment of an Ad Hoc Committee to draft a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.

That decision was adopted by the United Nations General Assembly in resolution 56/168, by which the Assembly established an Ad Hoc Committee "to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination."

The resolution also called upon States, in cooperation with the relevant bodies and organizations of the United Nations system, to hold regional meetings or seminars to contribute to the work of the Ad Hoc Committee by making recommendations regarding the content and practical measures that should be considered in the international convention.

II. Outcome of the Meeting

The Expert Group Meeting on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities (Mexico City, 11-14 June 2002) was organized by the Government of Mexico with the support of the Department of Economic and Social Affairs of the United Nations and by the subregional office in Mexico of the Economic Commission for Latin America and the Caribbean (ECLAC).

The Meeting brought together 44 experts in the laws, policies and programmes relating to persons with disabilities. It was attended by 80 delegations of governments and by representatives of the non-governmental organization community in Mexico and other countries. The Meeting had before it the draft of

elements for an international convention prepared by the Government of Mexico, as well as written contributions from several of the experts.

Discussed at the Meeting were issues relating to a convention on the rights and dignity of persons with disabilities, including its objectives and definitions, as well as the specific concerns of persons with disabilities in terms of their economic, social, cultural, civil and political rights, and measures for their implementation. The experts likewise examined options for the follow-up to the Meeting and sketched out recommendations for the work of the Ad Hoc Committee, which will meet from 29 July to 9 August 2002 at United Nations Headquarters in New York.

The experts welcomed and fully supported the Mexican initiative for an inclusive approach to a new convention on the rights and dignity of persons with disabilities. They underscored the importance of the full and active participation of persons with disabilities and representatives of their organizations in the process of drafting a convention. The experts also applauded the Mexican Government's decision to work closely with the community of international, regional and national non-governmental organizations and encouraged Mexico to pursue and strengthen dialogue and cooperation with all the means at its disposal, including the Internet and web sites that will be established as a result of the Meeting.

III. Recommendations of the Meeting

As a result of the Meeting's deliberations, the Government of Mexico undertook to prepare a revised draft of elements for the convention based on the comments, proposals and inputs of the participants. Based on their general discussion of the objectives and elements of a future convention, the participants examined and agreed to adopt the documents reproduced below, entitled "Principles for drafting a future convention" and "Guidelines for the drafting of a Convention".

A. Revised draft of elements for a convention

Elements for a future United Nations Comprehensive and Integral Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities (Proposal from Mexico)

Preamble

The States Parties to this Convention:

a) Reaffirming the purposes and principles of the Charter of the United Nations;

b) Considering that the Charter of the United Nations reaffirms the value of the human person based on the principles of dignity and equality inherent to human beings and resolves to promote the social progress and better standards of living of all peoples within a broader concept of freedom;

c) Recognizing that the United Nations has proclaimed and agreed ccorded in the Universal Declaration of Human Rights and in the International Covenants on Human Rights that everyone is entitled to all rights and freedoms set forth therein without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status;

d) Recognizing also that discrimination against all persons for reasons of any disability is a violation of the principles of equality of rights and respect for human dignity and hinders the participation – under equality of conditions – of persons with disabilities in civil, social, economic, political, and cultural life;

e) Taking into consideration the international and regional instruments, declarations, norms, and programs adopted to promote human rights and non-discrimination against persons with disabilities, such as: the 1982 World Program of Action for Persons with Disabilities; the 1971 Declaration on the Rights of Mentally Retarded Persons; the 1975 Declaration of Rights of Disabled Persons; the 1991 Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Healthcare; the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities; the 1999 Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities; and the statutes and pertinent instruments from specialized agencies such as the 1983 International Labor Organization's Convention no.159 on the Vocational Rehabilitation and Employment of Persons with Disabilities;

f) Reaffirming the outcomes of the major United Nations Conferences and Summits and their respective follow-up reviews, particular as they pertain to the promotion of

the rights and well-being of persons with disabilities, on an equi and participatory basis;

g) Noting with great satisfaction that the Standard Rules on the Equalization of Opportunities for Persons with Disabilities have played an important role in influencing the promotion, formulation, and evaluation of the policies, plans, programs, and actions at the national, regional, and international levels to further the equalization of opportunities by, for and with persons with disabilities;

h) Stressing the relationship that exists between the present Convention and the Covenants on Human Rights and other human rights instruments, as well as the usefulness of the Standard Rules for implementing the content of this international instrument;

i) Recognizing that, despite the numerous efforts made by governments, bodies and relevant organizations within the United Nations system and non-governmental organizations aimed at increasing cooperation and integration, as well as raising awareness about questions regarding disability since the adoption of the World Program of Action (1983-1992), these efforts have not been enough to eradicate violations and discrimination against persons with disabilities in different parts of the world;

j) Recognizing that in order to achieve equality of opportunities for persons with disabilities, the exercise of all political, civil, economic, social, and cultural rights established in the International Covenants and other instruments of Human Rights, must be guaranteed, as well as their accessibility to the physical environment;

k) Emphasizing the responsibility of States to eliminate obstacles and barriers for the full integration and participation in all spheres of social, economic, cultural, and political life – under conditions of equality – for persons with disabilities and vulnerable to multiple or aggravated discrimination;

l) Concerned over the fact of the existence of social circumstances that contribute to increase the incidence of disability, which include extreme poverty, lack of healthcare attention, violence inside and outside the home, accidents, alcohol and drug abuse, inadequate administration in medical treatment, systematic violation of human rights, lack of proper care during the ageing process, and armed conflicts;

m) Committed to take the necessary steps to reduce the causes that originate or worsen certain disabilities;

n) Bearing in mind the importance of raising the development levels and quality of life of the world's population and working toward the strengthening of international peace and security;

o) Conscious of the world movement in favor of persons with disabilities and the efforts undertaken by these organizations and their representatives in raising awareness and recognition of the rights of persons with disabilities;

p) Motivated by the principles of dignity and equality intrinsic to human beings and the values of dignity, independence, equality of opportunities, and solidarity with persons with disabilities;

Have agreed to the following:

Article 1

The object of this Convention is to:

a) Recognize, guarantee, promote, and protect the rights of persons with disabilities;

b) Eliminate all forms of discrimination against persons with disabilities in public and private spheres;

c) Promote the autonomy and independent lives of persons with disabilities and achieve their full participation in economic, social, cultural, civil, and political life, under conditions of equality;

d) Promote new forms of international cooperation to support national efforts in the benefit of persons with disabilities, and achieve the objectives of this Convention.

Article 2

For the purposes of this Convention, the following definitions shall apply:

a) "Disability" means a physical, mental (psychic), or sensory impairment, whether permanent or temporary, that limits the capacity to perform one or more essential activities of daily life, and which can be caused or aggravated by the economic and social environment.

b) Discrimination against persons with disabilities means any distinction, exclusion, or restriction based on a disability, record of disability, condition resulting from a previous disability, or perception of disability, whether present or past, which has the effect or objective of impairing or nullifying the recognition, enjoyment or exercise by a person with a disability of his or her human rights and fundamental freedoms.

Article 3

States Parties agree to adopt legislative, judicial, administrative, and any other kind of measures aimed at achieving the objectives of this Convention. To this end, they shall:

1. Include in their legislation, policies and programs aimed at promoting the full participation of persons with disabilities.

2. Adopt the necessary measures to eliminate all forms of discrimination against persons with disabilities and promote and protect the exercise of their rights. Among others, these measures shall include the following:

   a) Incorporate in their national legislations the principle of equality and non-discrimination for all people and abolish or amend any legislation that permits the contrary.

   b) Establish measures to prevent and sanction any practice which constitutes discrimination against persons with disabilities.

   c) Ensure that the rights contained in this Convention and other related international instruments have the legal protection of the competent national courts.

   d) Establish in their national legislations the necessary positive actions to promote the autonomy and independent lives of persons with disabilities and to achieve their full participation, under conditions of equality, in all activities of economic, social, cultural, civil, and political life.

3. In the elaboration and evaluation of legislation and policies adopted for persons with disabilities, special circumstances and needs of persons with disabilities, shall be taken into account and shall secure their participation and that of their families.

4. Promote the elaboration national census-taking of the population with disabilities and their access to public services, rehabilitation, education, and employment.

Article 4

1. In order to guarantee equality of rights and opportunities for persons with disabilities, States Parties shall promote, among others, positive or compensatory measures.

2. States Parties shall adopt specific measures to protect persons with disabilities who are in special situations of vulnerability.

Article 5

States Parties shall promote the changing of stereotypes, socio-cultural patterns, customary practices, or of any other nature which constitute an obstacle for persons with disabilities or their families in the exercise of their rights. To this end, States Parties shall:

1. Adopt measures to raise society's awareness regarding the rights and needs of persons with disabilities, including the creation of awareness programs at all levels of formal education.

2. Encourage the mass media to project a positive and non-stereotype image of persons with disabilities and their families.

3. Guarantee the participation of disabled people's organizations in the execution of these measures.

4. Promote dissemination campaigns to raise the awareness of society and training courses for public officials regarding the rights contained in this Convention.

Article 6

States Parties recognize the right of persons with disabilities to freedom of movement and to have an accessible environment to guarantee their autonomy, independence, and full participation in all activities.

States Parties shall legislate or take steps to ensure that:

a) Urban outfitting and public services and facilities for public use have the adaptations necessary to facilitate access, use, and circulation for persons with disabilities.

b) Vehicles and public transport services allow the access and mobility of persons with disabilities.

c) The existence of adaptations, signposting, and basic forms of communication for the freedom of movement and access to all public services and those available to the public.

d) The construction and adaptation of housing comply with regulations governing accessibility for persons with disabilities.

Article 7

States Parties shall promote access to different forms of alternative communication for persons with sensorial disabilities, as well as promoting the linguistic rights of persons who use such forms.

Article 8

States Parties shall guarantee the right to information of persons with different kinds of disabilities. To this end, they shall adopt, among others, the following measures:

1. Ensure that public information services are accessible, using appropriate technologies.

2. Encourage the mass media to make their services accessible to persons with disabilities.

3. Promote through information campaigns, awareness of the rights intrinsic to persons with disabilities and the means by which to enforce these rights.

Article 9

States Parties recognize that persons with disabilities are particularly vulnerable to different forms of violence, as well as torture and other cruel, inhumane or degrading treatment or punishment, in public and private spheres. Therefore, States shall guarantee respect for the dignity and integrity of persons with disabilities.

Article 10

1. States Parties shall promote respect for the human rights of persons with disabilities in all legal proceedings and, therefore, likewise commit to:

a) Provide legal counsel and interpretation or translation services, free of charge, to all persons with disabilities.

b) Prohibit all forms of discrimination during legal proceedings or the serving of a prison sentence.

c) Consider or categorize such discrimination as aggravated criminal behavior when committed against persons with disabilities.

d) Ensure that protection services are offered and compensation measures are established in favor of persons with disabilities who have become victims of crime.

2. States Parties shall adopt measures to comply with these dispositions which, among other things, shall include the sensitizing and training of public officials responsible for law enforcement and administration, with regard to the rights contained in this Convention.

Article 11

States Parties to this Convention recognize the political rights of persons with disabilities and pledge to take steps to guarantee their full participation in political life, adopting, among others, the following measures:

1. Guarantee exercise of the right to universal and secret suffrage of all persons with disabilities and for that purpose, include in election mechanisms the use of instruments and specialized technologies for each type of disability.

2. Guarantee the right to information of persons with disabilities so as to assist them in the decision-making process and in participating in political affairs.

3. Promote the participation, under conditions of equality, of persons with disabilities in positions of popular election, political parties, social organizations, and in public administration.

4. Guarantee the right of persons with disabilities to freedom of association and to form their own organizations.

5. Promote the participation of persons with disabilities and their organizations in the design of government policies relating to disability.

Article 12

1. States Parties recognize that persons with disabilities have the right to receive an education of quality that furthers their integral development, independence, and participation, under conditions of equality, in public and private spheres.

2. States Parties shall include the specific educational needs of persons with disabilities in national education policies, plans, and programs and shall provide the resources needed to allow their inclusion in the formal education system.

3. States Parties shall guarantee the presence of other methods of quality teaching, with curricula common to formal education, solely for persons with disabilities who choose to enter another educational system such as integrated, special, and open schools, as well as interactive learning systems.

In order to attain the above-mentioned objectives, States Parties shall:

a) Ensure that students with disabilities have access to information regarding the education options available so they may exercise their right to select the appropriate teaching model.

b) Guarantee that persons with disabilities will receive a public education, free of charge, in all education methods and levels, giving priority to those living in situations of extreme vulnerability.

c) Ensure the provision and ongoing training of specialized human resources that support the teaching process of persons with disabilities in formal and other education methods, promoting the training and hiring of teachers, instructors, and specialists with disabilities.

d) Include information and communications technologies in learning processes.

e) Ensure that regular programs with the necessary adaptations are the referent for the education of persons with disabilities in other education methods, and, that specialists and persons with disabilities and their families are involved.

f) Ensure that students with disabilities receive the equipment, technical assistance, and teaching and learning materials that will enable them to access and participate in curricular and extracurricular activities.

g) Promote access for students with disabilities to scholarships and financing resources.

Article 13

States Parties shall promote access for persons with disabilities to the medical and rehabilitation services they require so as to guarantee their right to health and to foster their autonomy and independent lives. To this end, States Parties shall:

a) Ensure that all medical and nursing staff, as well as other healthcare professionals, are properly qualified and have access to the appropriate technologies and methods for the treatment of persons with disabilities.

b) Ensure that persons with disabilities are able to decide on their treatment by providing them with the information necessary to do so.

c) Guarantee that persons with disabilities, especially breastfeeding mothers, children, and the elderly, receive quality medical attention within state healthcare systems.

d) Ensure that persons with disabilities give their consent prior to being subjected to any kind of research or medical or scientific experiment and likewise ensure that the genetic research and the biomedical and biotechnological advances are intended for their improvement.

e) Adopt all measures necessary to guarantee that the medical, rehabilitation, and assistance services provided to persons with disabilities include the following:

1. Opportune detection, diagnosis, and treatment.

2. Modern medical assistance and treatment that include the use of new technologies.

3. Counseling, as well as social, psychological and other assistance for persons with disabilities and their families.

4. Training in self-care activities, including aspects of mobility, communication, and skills for everyday living.

5. The provision of medication, technical assistance with mobility, and other special devices they may require.

f) Ensure that public as well as private healthcare institutions, particularly psychiatric ones, are monitored by the health and human rights authorities to ensure that the living conditions and treatment administered therein to persons with disabilities grant respect for their human rights and dignity.

Article 14

States Parties recognize the right of persons with disabilities to work and to freely choose their professions and jobs, and will adopt all measures necessary for their participation, under conditions of equality, in the labor market. For this purpose, States Parties shall:

a) Guarantee that individual and collective labor agreements and regulations protect persons with disabilities in regard with employment, job promotion, and working conditions, and, ensure the exercise of their labor rights.

b) Prohibit and abolish any discriminatory regulations and practices which restrict or deny persons with disabilities access to, and continuance and promotion within the labor market.

c) Guarantee the right of persons with disabilities to an equal wage for work of equal value.

d) Promote the adoption of positive measures that allow persons with disabilities access to and continuance in employment.

e) Promote workplace training, instruction, and updating for persons with disabilities.

f) Promote the adaptation of workplaces, work instruments, and working hours to make them accessible for persons with disabilities.

g) Grant incentives for companies that hire persons with disabilities and facilitate their freedom to attend medical appointments and undergo therapy.

h) Implement awareness campaigns to overcome negative attitudes and prejudices that affect persons with disabilities in the workplace.

Article 15

States Parties pledge to eliminate all norms and practices which restrict access for persons with disabilities to the benefits of social security and to this end, they shall adopt the following measures:

a) Guarantee that social security systems and other social welfare programs for the public in general do not exclude persons with disabilities, particularly in cases of unemployment, pregnancy, illness, elderly, and retirement.

b) Develop social security programs and measures that cater to the specific needs of persons with disabilities.

c) Take steps to facilitate access for persons with disabilities to the technical equipment and assistance necessary to raise their level of independence and the exercise of their rights.

d) Ensure that the lack of formal or permanent employment on the part of persons with disabilities does not curtail their access to social security services.

e) Promote the establishment, under governmental housing programs, of specific percentages of housing to be earmarked for persons with disabilities and their families.

f) Ensure that people who assist or look after persons with disabilities, including their relatives, have adequate training support and financial assistance, particularly in the case of persons with low incomes.

g) Establish norms whereby persons with disabilities are not discriminated against regarding the access to social security and public and private medical insurance.

Article 16

States Parties shall ensure that persons with disabilities have access to and the enjoyment of:

a) Recreational, cultural, and sports activities through adaptations which facilitate them the use of related facilities and services.

b) Their integration into routine sports activities and national as well as international competitions.

c) A system of scholarships or special incentives for cultural, artistic, and sports activities.

Article 17

In accordance with their legal systems, States Parties shall promote the establishment and strengthening of national institutions responsible for safeguarding the rights and dignity of persons with disabilities.

Article 18

States Parties agree to consult and collaborate with each other, regarding the putting into practice the content of this Convention, as well as to work together in a spirit of cooperation to achieve its objectives. To this end, they commit to:

a) Design programs which facilitate the implementation of the Convention, based on the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and other instruments which promote their human rights and dignity.

b) Exchange the latest advances in scientific research and the development of technology pertaining to the treatment and rehabilitation of persons with

disabilities and the elimination of obstacles that restrain their autonomy, independent life, and full enjoyment of their rights, as well as the development of national capacities.

c) Exchange information and best practices on measures and legislation for persons with disabilities.

d) Encourage the study of issues and research of common interest, including the problems and special needs of States Parties.

e) Promote courses, seminars, and workshops for training and research.

f) Promote the harmonization of criteria regarding alternative forms of communication used by persons with visual or hearing disabilities.

g) Incorporate the rights of persons with disabilities into the mandates of the bodies and relevant organizations of the United Nations, as well as in the elaboration of programs to take care of their needs.

h) Promote the elimination of import duties on technical equipment and aid materials for persons with disabilities.

Article 19

1. The object of the Conference of States Parties (hereinafter, "the Conference") shall be to:

a) Evaluate the operation and status of this Convention.

b) Promote international cooperation and assistance, as provided for in the previous Article.

c) Consider the recommendations and suggestions put forward by the Committee of Experts.

d) Elaborate a final report on the agreements reached at the Conference and submit it to the Secretary General of the United Nations.

2. The first Conference shall be convened by the Secretary General within a period of one year following the entry into force of this Convention. Subsequent meetings shall be convened by the Secretary General every three years, or whenever he deems necessary, and shall be held at the headquarters of the United Nations.

3. The Conference shall establish its own rules of procedure which, among other, shall stipulate that:

    a) Two thirds of the States Parties shall constitute quorum.
    b) Conference decisions shall be adopted by a majority of votes from the members present.

4. States not Party to this Convention, specialized bodies and competent agencies of the United Nations system, and regional and non-governmental organizations may be invited to attend these meetings as observers, in accordance with the agreed rules of procedure.

5. The Secretary General shall provide the resources, personnel, and services required to hold the Conferences of States Parties.

Article 20

In order to monitor the implementation of this Convention, a Committee of Experts on the Rights of Persons with Disabilities (hereinafter, "the Committee") shall be established, the functions of which shall be as follows:

a) Evaluate the national reports submitted periodically by States Parties on the progress and problems encountered in implementing this Convention.

b) Make recommendations of a general nature to States Parties to further advance the implementation of this Convention.

c) Invite specialized bodies, other competent agencies, and non-governmental organizations to participate in studying the implementation of this Convention.

d) The Committee may invite specialized bodies and other agencies of the United Nations to submit reports on the implementation of the provisions of this Convention which apply to their particular sphere of competence.

e) Identify areas of cooperation among States Parties, and between these and specialized bodies and competent agencies, that facilitate implementation of this Convention. To this end, the Committee shall submit its recommendations to the Conference.

f) The Committee may recommend technical assistance from United Nations agencies at any stage of the report evaluation process or during the implementation of its final recommendations.

g) Submit an annual report to the United Nations General Assembly on its activities pursuant to this Convention and make suggestions and

recommendations based on the study of the reports and data provided by States Parties.

Article 21

1. States Parties undertake to submit to the Secretary General of the United Nations, to be examined by the Committee, a report on the legislative, judicial, administrative, or any other measures they have adopted to give effect to the provisions of this Convention.

2. Reports submitted by States Parties must specify advances as well as limitations affecting the degree of fulfillment of the obligations under the present Convention. They must likewise contain sufficient information regarding difficulties encountered in its implementation.

3. In their periodic reports, States Parties commit to include a chapter on the situation of persons with multiple disabilities and groups of disabled persons that are vulnerable to multiple or aggravated discrimination. They must also specify steps taken by the State Party to deal with their particular situation.

4. States Parties shall submit their reports for evaluation by the Committee within a term of two years following the entry into effect of this Convention for the State Party in question, and, thereafter, every four years, or whenever requested by the Committee.

Article 22

1. The Committee shall consist of 12 experts (men and women) chosen from among prominent national leaders of organizations of persons with disabilities, scholars, specialists, scientists, and doctors of recognized high moral integrity and competence in the protection and promotion of the rights and dignity of persons with disabilities and who shall serve in their personal capacity. These experts shall be elected by States Parties, taking into consideration an equitable geographic distribution and specialization in the different types of disabilities.

2. Members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may propose one person from among its own nationals.

3. Committee members shall be elected at biennial meetings of the States Parties convened by the Secretary General of the United Nations and held at the

latter's headquarters. At these meetings, quorum for which shall be constituted by the attendance of two thirds of the States Parties, candidates to the Committee shall be considered elected based on the highest number of votes and on absolute majority of votes from States Parties' representatives present and voting.

4. The initial election shall be held, at the latest, six months following the date of the first Conference and, thereafter, every two years. At least four months prior to the date of each election, the Secretary General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within a period of three months. The Secretary General shall then prepare a list, in alphabetical order, of the persons nominated, indicating the States Parties they were proposed by, and notifying States Parties to the present Convention.

5. Committee members shall be elected for a period of four years. They may be reelected, if their candidatures are put forward once again. Notwithstanding, the mandate of six of the members elected in the first round shall expire after a period of two years. Immediately following the initial elections, the Committee chairperson shall chose the names of these six persons by lot.

6. In order to cover unexpected vacancies, the State Party whose expert has terminated his/her functions as a Committee member may appoint another expert from among its own nationals, subject to the approval of the Committee.

Article 23

1. The Committee shall elect its Board for a period of two years. Members of the Board may be reelected for a like period.

2. The Committee shall establish its own rules of procedure.

3. The Committee shall normally meet annually at United Nations headquarters for a period not to exceed two weeks to evaluate reports submitted in compliance with the previous Article. The duration of these meetings shall be determined and, if necessary, subject to review by the Conference of the Parties.

4. The Secretary General of the United Nations shall provide the resources, personnel, and services necessary for the effective performance of the functions of the Committee, under the present Convention.

5. Mindful of the importance of the functions of the Committee and subject to prior approval of the United Nations General Assembly, the members of the Committee shall receive emoluments from United Nations resources on such terms and conditions determined by the Assembly.

Article 24

A State Party to this Convention may, at any time, declare that it recognizes the competence of the Committee to receive and consider communications submitted by persons subject to its jurisdiction or, on their behalf, claiming to be victims of a violation by the State Party of any of the rights set forth in this Convention. The Committee will not accept any communication relating to a State Party which has not made this declaration.

Article 25

All States Parties to this Convention may propose an amendment and deposit it with the Secretary General of the United Nations. In such case:

a) The Secretary General shall inform States Parties regarding the proposed amendment, asking them to notify him should they wish to convene a Conference of States Parties to examine the proposal and put it to a vote.

b) If within the four months following receipt of this notification at least one third of the Party States come out in favor of convening, then the Secretary General shall convene an amendment conference, under the auspices of the United Nations.

c) Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary General to the United Nations General Assembly for its approval.

d) Any amendment adopted pursuant to paragraph 1 of this Article shall come into force once it has been approved by the United Nations General Assembly and accepted by a two-thirds majority of the States Parties.

e) When amendments come into force, they shall be obligatory for the States Parties that have accepted them, in as much as the other States Parties shall be bound by the dispositions of this Convention.

f) States not Party to this Convention, as well as specialized bodies, non-governmental organizations, and other competent agencies may be invited to attend the Amendment Conference as observers, in accordance with the agreed rules of procedure.

Article 26

1. The Secretary General of the United Nations shall receive and circulate to all States the text of reservations formulated by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted.

3. Reservations may be withdrawn at any time by virtue of notification to the Secretary General of the United Nations who shall, in turn, notify all States to the same effect. The notification shall take effect as of the date of its reception.

Article 27

Any dispute arising between two or more States Parties with respect to the interpretation or implementation of this Convention that is not settled by negotiation, shall, be referred to arbitration at the request of one of the parties to the dispute. If the parties fail to reach an agreement on the form of arbitration within a term of six months following the request, any of the parties may put the dispute before the International Court of Justice, in conformity with its statutes.

Article 28

Each State Party commits to widely disseminate this Convention and its periodic reports, and publicize them.

Article 29

1. The Secretary General of the United Nations is designated as the depository of this Convention.

2. This Convention shall be open for signature to all United Nations Member States.

3. This Convention shall be open for ratification or accession to all United Nations Member States.

4. The Secretary General shall periodically deliver information on the number of signatures, ratifications, and accessions to this Convention, as well as on the efforts made and steps taken for its promotion and dissemination.

Article 30

This Convention shall enter into force on the thirtieth day after the date the tenth instrument of ratification or accession has been deposited with the Secretary General of the United Nations.

For each State ratifying or acceding to this Convention after the tenth instrument of ratification or accession has been deposited, the Convention shall enter into force on the thirtieth day following the date on which the State in question has deposited its own instrument of ratification or accession.

Article 31

1. This convention, whose texts in Arabic, Chinese, Spanish, French, English, and Russian are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary General of the United Nations shall send certified copies of this Convention to all States Parties.

B. Principles for drafting a new convention

A new human rights treaty in a disability framework

1. A disability convention should primarily contain rights that are enforceable and incorporate measures to enable persons with disabilities to exercise their human rights and fundamental freedoms. In particular it should be grounded in the values of liberty, independence, dignity, self-determination, equality and social solidarity.

2. Standards below already existing human rights standards must not be accepted.

3. It should build on the existing positive achievements of the human rights treaty bodies in the disability field.

Ensuring consistency with existing human rights standards

4. A disability convention should complement and strengthen the monitoring of disability rights by the treaty monitoring bodies under the six core human rights treaties.

5. The Standard Rules and the World Programme of Action and other relevant instruments should be used as benchmarks for the elaboration of implementation measures.

Ensuring sensitivity to diverse groups and socio-economic conditions

6. The situation of all groups of disabled persons and the diverse conditions related to gender, race, colour, age and other considerations must be taken into account when elaborating the convention.

7. When elaborating the convention, special attention should be paid to the conditions of persons with disabilities in developing countries and countries in transition.

Active participation of persons with disabilities as a key condition

8. The drafting process for the future convention must be legitimized by the broadest possible participation of persons with disabilities through their representative organizations (including associations of parents and relatives of persons with disabilities who are incapable of representing themselves).

States should undertake a process of broad consultations with organizations of persons with disabilities and include representatives of organizations of persons with disabilities in delegations participating in meetings for the drafting of the future convention.

The United Nations should ensure the broadest possible participation of national, regional and international organizations of persons with disabilities, such as those belonging to the International Disability Alliance, in the process of elaboration of the future convention.

The participation of organizations of persons with disabilities in the developing countries should be actively promoted (as well as the participation of women with disabilities).

Establishment of an effective monitoring and enforcement mechanism

9. The body responsible for follow-up to the future convention should deal, in particular, with individual and group complaints. Member States should create and/or strengthen national monitoring bodies and submit reports on the implementation of the future convention.

10. A system should be set up to ensure the participation of organizations of persons with disabilities in the monitoring and implementation of the future convention.

C. Guidelines for the drafting of the convention

Which rights should the convention recognize?

The purpose of this paper is to offer a general picture of the type of rights that might fall within the scope of a treaty on human rights and disability and how these could be adapted to the situation of persons with disabilities. It contains the views of the participants in the Expert Meeting.

Under each right, examples are given of the elements of that right. The list is not exhaustive, but purely indicative, and reflects the views expressed at the meeting.

Fundamental principles/rights

The following principles or rights should guide the interpretation of the convention:

Basic principles

- Dignity and self-determination (autonomy).
- Equality and non-discrimination — affirmative action that will not be deemed discriminatory. Protection against discrimination will be extended to forms of discrimination against persons with disabilities.
- Full participation in all day-to-day activities.
- Personal development and enjoyment of all life stages.
- A life free from all forms of violence.
- Diversity of the disabled population.

Nature of the State's obligations

- The State's obligation extends to the public sphere and also includes its responsibility to regulate private activity (whether private economic activity or the activity of civil society as a whole).
- Principle of gradualism (gradual exercise of rights whose implementation would require the allocation of considerable resources. Regressive measures will be deemed to be flagrant violations of the convention unless the State can prove that they were adopted for the protection of other rights and that they

take account of the situation of the most vulnerable groups) {International Covenant on Economic, Social and Cultural Rights}.

- The State's obligation to ensure the broad dissemination of the rights enshrined in the convention and to promote greater awareness of them.

A. Effective equality of civil rights

Personal protection

1. Prohibition of eugenicist laws and policies:
   - Obligation of States not to encourage abortion for reasons of disability.
   - Prohibition of policies that encourage abortion for reasons of disability.
   - Ensuring that biomedical and biotechnological progress (including advances in the field of genetics) is used to enhance the rights of persons with disabilities.
   - Monitoring the ethical principles of biomedical, biotechnological and genetic research to ensure that it respects and enhances the rights of persons with disabilities and that it is conducted in a non-discriminatory manner.
2. Right to a life free from torture and from any inhuman or degrading treatment {Article 18 of the draft}:
   - Prohibition of, inter alia, all forms of violence in both public and private institutions.
   - Prohibition of forced medical treatment.
   - Right of persons with disabilities who have been sentenced to prison to not be subjected to worse conditions of imprisonment on account of their disability and or of failure to enforce the rights and guarantees contained in the convention.
   - Prohibition of all forms of violence against persons with disabilities (physical, emotional, sexual or economic).
3. Right to physical and psychological integrity:
   - Includes all aspects of treatment, including the right to consent to or to refuse treatment, protection against harmful forms of treatment, regulation of clinical tests and access to treatment.
4. Right to privacy:
   - In general, and as it pertains to personal files and to privacy in institutions.

Freedoms

5. The right to freedom:
   - The right to not be institutionalized against one's will, on the basis of real or perceived disabilities.
6. The right of access to justice:
   - To effective guarantees of due process (interpretation, legal aid),

- To be party to judicial proceedings under equal conditions;
- To judicial guarantees;
- Not to be doubly victimized in legal proceedings on account of disability;
- To be a witness;
- To the resources needed to facilitate participation in and understanding of the judicial process;
- To sensitization of personnel of the judicial system, especially judges and magistrates;
- To all legal information and material available in accessible form (including the Constitution and laws).

7. Right to legal capacity to act:
   - Especially with regard to decision-making in all matters concerning the individual;
   - The right to assistance in decision-making;
   - In exceptional cases requiring legal representation, such representation must be defined by clear guarantees that protect personal rights and must be regularly reviewed by the judicial authorities to verify the need for representation and the proper exercise of the function that protects the human rights of the person represented.

The right of association

8. The right to form associations of persons with disabilities:
   - Right of representative bodies to be consulted and to participate in all aspects of society.
9. Family rights:
   - Right to form a family (recognizing the diversity of family types);
   - Right to live in a family;
   - Right of parents with disabilities to adopt and in all circumstances to receive adequate support in rearing their children;
   - Right of families with children with disabilities to keep, educate and maintain their children;
   - Right of parents with disabilities not to be discriminated against.

Language and communication rights

10. Language rights:
    - Depending on the characteristics of each disability, sign language, Braille, and alternative communication codes.
11. Right to communication:
    - Right to special assistance for those who do not use oral language;

- Right to use their own forms of communication and for these to be officially recognized.

12. Religious freedom:

- Right to participate in religious life;
- Opportunities for spiritual development.

13. Freedom of expression:

- Affirmative action to facilitate expression.

B. Effective equality in political rights

14. The right to form and join political parties and to participate in the political life of the State:

- Right of access to information to help persons with disabilities take informed decisions on public and political matters.

15. The right to participate in public and political life:

- Right to elect and to be elected and to any assistance required for those purposes.

16. The right to participate in civic responsibilities:

- For instance, to be a member of a jury, belong to a trade union or sit on public commissions of inquiry.

17. Equality in the matter of the right to nationality and all the prerogatives that flow therefrom.

18. Right to non-discrimination in matters relating to immigration and asylum.

C. Enjoyment and exercise of economic, social and cultural rights and support for the freedom of persons with disabilities

19. Right to education (article 13 of the draft).

20. Right to work (article 14 of the draft):

- Non-discrimination in offers of employment, recruitment, promotion, wages, and terms and conditions of employment;
- The principle of reasonable adaptation in the workplace.

21. Right to health (articles 10 and 11 of the draft):

- The sexual and reproductive right to use one's body as one wishes, to procreate, and to plan one's family;
- HIV and disability;
- Protection against unwanted treatment both for patients in hospital and for outpatients.

22. Right to an adequate standard of living:

- Housing, food and clothing.

23. Right of access:

- To an accessible environment;
- To transportation;
- To accessible communication and information;
- To the information society (the Internet, webpage design and online government services);
- Access to information and documentation;
- Access to all social systems, automated teller machines, announcements in public places, timetables, etc.;
- Right to technical aids and economically affordable technological supports (article 11.7).

24. Right to social security:

- Not conditioning the provision of services on the acceptance of obligations in respect of other services (de-linking services).

25. Right to culture, recreation and sport (article 20 of the draft):

- Right to promote an image free of prejudices and stereotypes.

D. Disability and other forms of discrimination

26. Children with disabilities.

27. Women with disabilities.

28. Older adults with disabilities.

29. Persons with multiple disabilities.

30. Persons with disabilities living in poverty.

31. Persons with disabilities and abandoned.

32. Members of minorities with disabilities.

E. Third-generation rights

33. Elimination of the systematic violations of human rights that cause disability.

34. Right to peace:

- Education for peace that is sensitive to persons with disabilities.

35. Right to development.

36. Right to international solidarity and cooperation:

- Donor countries should mainstream the disability perspective into their development assistance programmes;
- Recipient countries should respect the rights of persons with disabilities in the execution of their development programmes;

- International organizations should respect, promote and mainstream the rights of persons with disabilities in all their programmes.

D. Priority issues

During the deliberations of the expert group, various ideas on the right to education and the right to work were proposed. As part of the deliberations, a working group met to consider these issues and proposed the following alternatives for the article of the convention that deals with this right:

Article 13 on the right to education

(Version A)

Persons with disabilities shall have the right, throughout their lives, to a decent education that enhances their integral development, learning and full participation through provision of the resources and assistance needed to ensure equality of opportunity.

States parties shall take the steps necessary to promote inclusive education that adequately caters to the diverse educational needs of persons with disabilities, without discrimination of any kind, by modifying the existing educational systems and institutions to achieve that goal. Such measures may include:

a. Mainstreaming the educational needs of persons with disabilities into national policies and plans for education for all and providing the financial and human resources needed to meet the specific needs of persons with disabilities.

b. Offering a range of educational methods and guaranteeing the right of families and persons with disabilities to choose the educational model they consider most appropriate.

c. Guaranteeing free public education for all educational levels and methods, preferably in compulsory basic education, with priority being given to those living in situations of poverty or extreme vulnerability.

d. Guaranteeing the right of persons with disabilities to use codes other than spoken or written language in their learning process, including sign language, Braille, Bliss or total communication, among others.

e. Ensuring that the core curriculum, with the necessary adaptations, is the standard used for the education of persons with disabilities, and that families, specialists and persons with disabilities themselves are involved in the adaptation of curricula.

f. Adapting teaching methods and evaluation procedures to the specific needs of persons with disabilities, through continuous monitoring of learning processes. Incorporating information and communication technologies into learning processes.

g. Guaranteeing the supply of specialized personnel to support the education of persons with disabilities by promoting the training and recruitment of teachers, trainers and specialists with disabilities.

h. Supplying the equipment and technical aids that facilitate mobility, hands-on experience and autonomy in the learning process.

i. Promoting regulations to ensure that educational establishments are designed in a way that facilitates the access, mobility and participation of persons with disabilities.

j. Develop training and refresher programmes for all teachers and professionals involved in the education of persons with disabilities.

(Version B)

Persons with disabilities shall have the right, throughout their lives, to a decent education that enhances their integral development, learning and full participation through provision of the resources and assistance needed to ensure equality of opportunity.

States parties shall take the steps needed to eliminate discrimination against persons with disabilities and assure them reasonable and adequate access to and stay and participation in all formal and non-formal educational activities, at all educational levels. To that end, States parties shall:

a. Mainstream the educational needs of persons with disabilities into national policies and plans for education for all, into the design and development of study plans and into the organization of schools. To this end, it is important to include organizations of persons with disabilities in decision-making processes.

b. Ensure that students with disabilities and their parents are informed of all available options and have access to other adults with the same disability who might serve as models and with whom they could discuss options. These models should be representatives approved by the national organization of consumers with the same disability.

c. Guarantee free public education for all educational levels and methods, preferably in compulsory basic education, with priority being given to persons living in situations of poverty or extreme vulnerability.

d. Ensure that students with disabilities and parents who opt for inclusion in the regular education system receive the necessary support.

e. Ensure the availability of appropriate bilingual and multilingual education for deaf students, either in schools for persons who use sign language or in specially-equipped classrooms within the regular school system. States shall be responsible for ensuring that teachers in such schools and classrooms are adequately trained, master sign language and are familiar with the culture of the deaf.

f. Ensure that blind and deaf students have access to quality education in special schools or classes for the deaf or in the regular school system. Classes should be taught in sign language, Braille and/or tactile methods of communication, depending on the needs of each individual. Teachers should be trained in these methods of communication.

g. Guarantee the availability of alternative forms of communication, such as Bliss and total communication, among others, in accordance with specific individual needs.

h. Ensure that the core curriculum, with the necessary adaptations, is the standard used for the education of persons with disabilities and that families, specialists and persons with disabilities themselves are involved in the adaptation of curricula.

i. Adapt teaching methods and evaluation procedures to the specific needs of persons with disabilities through continuous monitoring of learning processes and incorporate information and communication technologies into learning processes.

j. Guarantee the supply of specialized personnel to support the education of persons with disabilities. Ensure that teacher-training programmes are of a high level and that persons with disabilities have access to such programmes so that they can themselves become educators or specialists.

k. Develop training and refresher training programmes for all teachers and professionals involved in the education of persons with disabilities.

l. Supply the equipment and technical aids that facilitate mobility, hands-on experience and autonomy in the learning process.

m. Promote regulations to ensure that educational establishments are designed in a way that facilitates the access, mobility and participation of persons with disabilities.

(Version C)

Persons with disabilities shall have the right, throughout their lives, to a decent education that contributes to the full achievement of their potential, broadens their horizons and boosts their self-confidence. The State shall guarantee free education at all levels, particularly for persons with disabilities living in situations of poverty, multiple disabilities or other disadvantages.

States Parties shall take the steps needed to eliminate discrimination in education and ensure equality, access to and participation in all levels of the formal and non-formal education system by providing a range of educational options such as mainstream education, integrated schools, special schools, open schools, home instruction and learning through interactive information systems. To that end, States Parties shall:

a. Mainstream the educational needs of persons with disabilities into national educational policies and programmes for all and provide the human and financial resources necessary to ensure that the education is effectively received.

b. Ensure that students with disabilities and their families have access to information concerning available educational options so that they can exercise their right to choose the appropriate teaching model for imparting education in a suitable environment.

c. Take measures to ensure that blind and deaf students receive education from qualified teachers who have mastered all of the pertinent models of communication.

d. Undertake to provide a forum for dealing with any complaints arising in connection with the location, quality or other aspects of the education of persons with disabilities.

e. Ensure that students with disabilities and their parents who opt for mainstream education within the regular education system receive the necessary support.

f. Ensure that sign language is used as a medium of instruction in the education of deaf students, thereby enabling them to seek bilingual and multilingual options in regular schools, special schools, distance education or other education systems. Take measures to ensure that deaf students are taught by qualified teachers who are proficient in sign language and familiar with the culture of the deaf.

g. Ensure that blind and deaf students have access to appropriate education in special schools or to special classes in schools for the deaf or in regular schools. Teaching shall be done in sign language for the deaf, Braille and/or tactile communication methods, depending on the individual's specific needs. Take measures to ensure that blind and deaf students are taught by qualified teachers who are proficient in those methods of communication.

h. Ensure that all blind students are taught in Braille and have access to books in Braille free of charge. Likewise, vision impaired students shall receive educational material in appropriate formats such as large-print, digital books and electronic books. All blind or vision impaired students shall have access to all types of information systems and technical equipment required to meet their educational needs. States shall also take measures to ensure that such students are taught by qualified teachers who are proficient in Braille and in the use of other special equipment.

i. In consultation with persons with disabilities, parents and teachers, take measures to adapt the national curriculum to the varied needs of students with disabilities.

j. Establish an authority to regulate, maintain and ensure compliance with the minimum standards of education for students with disabilities. States shall also prescribe a system for evaluation and follow-up of teaching methods and propose targets for reforming testing procedures to ensure that the performance of persons with disabilities is evaluated without prejudice or discrimination.

k. Guarantee the availability of the qualified human resources needed for educational and other related services for students with disabilities. Ensure that teacher-training programmes are of a high standard and that persons with disabilities have access to such programmes so that they can themselves become teachers, educators and specialists. States shall also establish lifelong education programmes for updating the knowledge and skills of teachers and others in their work teams.

l. Provide the equipment, technical aids and teaching and learning materials that give persons with disabilities access to and the ability to participate in curricular and extra-curricular activities.

m. Develop and prescribe regulations to ensure that educational establishments take full account of the need for accessibility in their designs, with a view to ensuring the full participation of students with disabilities and eliminating any barriers to such participation.

Article on the right to work

Another topic discussed in detail by the experts was the right to work. On the basis of the elements presented, the representative of the International Labour Organization (ILO) submitted the following proposal for the consideration of participants:

Right to work

Member States shall recognize the right to work of persons with disabilities, their right to choose productive and remunerative employment or self-employment in conditions of equality, safety and human dignity. To that end, Member States shall:

(a) Review and amend and/or adopt domestic legislation to prohibit and punish discriminatory practices and regulations relating to persons with disabilities to enable them to secure, retain and gain advancement in jobs in both the public and private sectors.

(b) Formulate, establish and regularly review their national policy, including affirmative action, to promote and facilitate access of persons with disabilities to jobs in the open labour market and to self-employment opportunities.

(c) Review and amend and/or adopt laws and regulations to prohibit and punish discriminatory practices and regulations relating to wages, benefits and working conditions for persons with disabilities.

(d) Promote and implement job training and employment service programmes in conditions of equality for persons with disabilities, using, whenever possible, available services that have been suitably adapted.

(e) Promote and adopt measures to encourage employers to make the adaptations needed in the workplace so that persons with disabilities can have access to and perform their tasks, including access to necessary new technologies and infrastructure.

(f) Promote and adopt measures to ensure safe, hygienic working conditions for employees with disabilities in jobs in the public, private and protected sectors.

(g) Promote and adopt measures to protect workers with disabilities employed in protected workplaces and in other special types of work.

(h) Promote and protect the right of persons with disabilities to form economic associations and to join trade unions of their choice.

(i) Encourage efforts designed to promote collective bargaining agreements that protect the interests of workers with disabilities with regard to hiring, promotion, dismissal, working conditions and the safeguarding of their jobs or the right to return to work following medical treatment or disability.

(j) Encourage and undertake efforts to overcome negative attitudes and prejudices against the participation of persons with disabilities in the open labour market.

IV. Organization of work

Prior to the expert meeting, the web site http:www.sre.gob.mx/discapacidad was launched and used for an online survey. The background documents and the comments and contributions of the experts were made available to participants online.

Inaugural meeting

The meeting was opened on 11 June by Dr. Jorge Castañeda, Minister of Foreign Affairs of Mexico, who was accompanied on the podium by Mr. Bengt Lindqvist, Special Rapporteur on Disability of the Commission for Social Development; Mr. Hugo Flores, Head of the Presidential Office for the Promotion and Social Integration of Persons with Disabilities; Mr. Gilberto Rincón Gallardo, President of the Civil Association against Discrimination; Ms. Patricia Olamendi, Under-Secretary for Global Issues in the Ministry of Foreign Affairs of Mexico; Ms. Mariclaire Acosta, Under-Secretary for Human Rights and Democracy in the Ministry of Foreign Affairs of Mexico; Ms. Akiko Ito, Chief of the Programme on Disability of the Division for Social Policy and Development in the Department of Economic and Social Affairs of the United Nations; and Mr. Stefano Sensi, Representative of the Office of the United Nations High Commissioner for Human Rights.

Dr. Jorge Castañeda welcomed the participants and drew attention to the challenge and commitment inherent in the elaboration of a convention that would achieve respect for all human rights and fair treatment for all persons with disabilities in the world. He stressed that the goal of this initiative was to combine efforts and address the needs of all countries. He concluded by wishing the experts success in their deliberations.

Mr. Bengt Lindqvist, Special Rapporteur on Disability of the Commission for Social Development, thanked Mexico for its initiative, which marked the beginning of the process of elaboration of a convention. He stressed the need to include the viewpoints of all countries and organizations of persons with disabilities in order to achieve satisfactory results. He listed eight important principles to be taken into account in the elaboration of the document.

Ms. Akiko Ito, Chief of the Programme on Disability of the Division for Social Policy and Development in the Department of Social and Economic Affairs of the United Nations, spoke on behalf of her Department and of the Economic Commission for Latin America and the Caribbean (ECLAC). She welcomed the fact that support had been provided from the United Nations Development Account for the holding of the Meeting, which sought to enhance knowledge for the elaboration of the convention and guide the international community's efforts on behalf of persons with disabilities in the new century.

Mr. Víctor Hugo Flores, Head of the Presidential Office for the Promotion and Social Integration of Persons with Disabilities, spoke of Mexico's efforts to protect and promote the rights of persons with disabilities through the adoption of measures and programmes by various governmental institutions. He emphasized the need for a universal commitment to the rights of persons with disabilities, pointing out that the Meeting afforded an ideal opportunity to make progress in that direction. He ended by acknowledging the efforts of the United Nations in that regard.

Mr. Gilberto Rincón Gallardo, President of the Civil Association against Discrimination, recounted the background to the initiative and explained that the current effort to elaborate a comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities had been launched at the Durban Conference. The main elements of the mandate were to elaborate a convention that took account of the work done in the fields of social development, non-discrimination and respect for human rights. Those objectives went beyond mere assistance and philanthropy and must embrace medicine and rehabilitation and adopt a holistic approach that went hand in hand with affirmative action by States. In addition, efforts must be made to fight social stereotypes and to guarantee opportunities for a full life in the face of a society's physical and cultural limitations.

Organization of work

By agreement among the participants, it was decided to devote separate meetings to consideration of the following topics:

1. Aims, definitions and other elements for the convention.
2. Economic, social and cultural rights.
3. Civil and political rights.
4. Follow-up mechanism.
5. Strategy for a future convention.

It was also decided that during the discussion participants could refer both to the elements for a convention prepared by the Government of Mexico and to any of the proposals put forward by the experts, so as to enrich the debate. The following is a summary of the discussion that took place during the meeting:

Summary of discussions

The experts welcomed and expressed their full support for the Mexican initiative for a new convention on the rights and dignity of persons with disabilities, based on an inclusive approach.

The discussion originally centred on the type of convention that would effectively promote these rights and have the necessary specific elements.

The mandate contained in resolution 56/168 provides for the convention to be based on the holistic approach in the work done in the fields of non-discrimination, human rights and social development. There was, however, a lively debate on whether the convention should be an instrument of human rights or social development.

Some experts, including those from Mexico, held that the choice was a false one. Human rights should now be viewed from an integral perspective that would ensure the promotion of not only civil and political rights but also economic, social and cultural rights.

This perception is based on the principle that civil and political rights cannot be effectively enjoyed unless underpinned by the exercise of economic and social rights, such as the right to education and to an adequate health-care system and

access to decent and adequately remunerated employment. It may therefore be said that ensuring full respect for all human rights, in this case the rights of persons with disabilities, already has a social development aspect. Moreover, this perspective has the advantage of being based on the recognition that persons have rights and it therefore necessitates specific and enforceable measures. Thus, to guarantee those rights is to transform them into effective levers for guaranteeing equality of opportunities and the development of societies.

Another point in the discussion was the need for the convention to establish enforceable rights and for States to bear prime responsibility for guaranteeing their fulfilment. Consensus was reached on the need to establish a follow-up mechanism, at both the national and international levels, to evaluate the progress made by States towards implementation of the convention. In that connection, some experts said they were in favour of establishing in the convention itself the obligation of States to mainstream the disability perspective into their fiscal budgets, national programmes and public policies in order to provide financial support for the implementation of the convention.

The first document to come out of the Meeting, "Principles for drafting a future convention" establishes that "the convention must be based on the following values: independence, freedom, dignity, self-determination, equality and social solidarity". Moreover, referring to some of the Meeting's discussions, it calls on States and on the United Nations to include in a future convention a broad range of organizations of persons with disabilities and not only those in consultative status with the United Nations. Paragraph 8 of the document establishes that States should undertake a broad process of consultations with organizations of persons with disabilities and include representatives of those organizations in delegations to meetings on the drafting of the future convention.

During the Meeting, the Government of Mexico reported that a number of organizations of persons with disabilities had participated in the preparation of the Mexican draft and pledged that representatives of those organizations would be included in the Mexican delegation to the negotiations on the convention. At the same time, it would be necessary to promote ways in which organizations of persons with disabilities could be involved in the negotiation of the instrument.

At the conclusion of the debate the question arose as to how detailed the convention should be. Some experts expressed preference for a convention that establishes general norms, while others preferred all rights to be recognized and to be accompanied by specific measures that would effectively guarantee their exercise by persons with various disabilities. One of the texts that emerged from the meeting, the "Guide to rights that should be included in the Convention", sets out a broad range of rights that should be covered in the convention.

Following the presentation of that document, consensus was reached on the need for specific measures to ensure that persons with disabilities could enjoy access to all human rights: civil and political (first generation); economic, social and cultural (second generation); and the right to development and peace (third generation). With this in view, the experts agreed that the convention should make it compulsory to take affirmative action to eliminate barriers and specific problems in order to guarantee the recognition and full exercise of these rights by persons with disabilities.

It was also stressed that the convention must guarantee that the removal of barriers and affirmative action in favour of persons with disabilities should cover both the public and private sectors in the respective societies. Repeated reference was made to the need for the convention to afford guarantees for persons with psychosocial disabilities in order to eliminate practices that violate their human rights, not only in the area of health, but also in other legal and political areas. On that basis, the suggestion was made that a discussion should be held in order to raise the topic at the international level in order to study its compatibility with human rights and fundamental freedoms.

In another substantive discussion at the Meeting, participants debated whether the approach to the convention should be an inclusive one. The advocates of that approach said that equality of opportunities was possible only when persons with disabilities were included, in conditions of equality, in all economic, social and cultural areas of their respective societies.

On the subject of education, some experts declared that persons with visual or auditory disabilities had certain specific needs that could make the inclusive approach to this problem counterproductive. In their view, the specific needs of blind or deaf persons mean that it would be more effective to maintain special education systems that focus more on the quality of the education imparted to persons with disabilities than to include them in the mainstream education system. While the importance of an inclusive system was acknowledged, emphasis was placed on the importance of maintaining some special educational options that would better guarantee the rights of persons with certain disabilities. On that issue and with a view to ensuring access to communication for persons who do not use oral language, it was also decided to include a section on language rights in the future international instrument.

With regard to the mechanism for follow-up to the convention, the experts expressed interest in establishing a procedure for receiving individual complaints similar to that established under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Although consensus was not reached on whether this process should be implemented in the convention itself or in an optional protocol thereto, the experts did agree on the need to expand the procedure for receiving complaints to include not only organizations of persons with disabilities but also individual complaints from persons whose rights had been violated.

Emphasis was placed on the importance of full and active participation of persons with disabilities and representatives of their organizations in the process of elaborating the future convention. The experts also supported the decision of the Government of Mexico to work closely with the community of international, regional and national non-governmental organizations and encouraged it to continue and to strengthen dialogue and cooperation using all the means at its disposal, including the Internet and any networks that may be established as a result of this Meeting.

Closing meeting

The closing meeting was chaired by Ms. Patricia Olamendi Torres, Under-Secretary for Global Issues in the Mexican Ministry of Foreign Affairs. In her statement, she commended the valuable contribution of the participants and invited

Mr. Bengt Lindqvist, United Nations Special Rapporteur on disability, to make a brief statement. Mr. Lindqvist said that the Meeting had fulfilled the expectations and objectives of participants and expressed satisfaction at the number of contributions that had been made. It was now time to harvest and to go forward in the construction of a new society for all.

Ms. Mara Bustelo, the representative of the Office of the United Nations High Commissioner for Human Rights, reaffirmed her Office's commitment to support the elaboration of a legally binding human rights instrument to promote and protect the rights of persons with disabilities. She announced the forthcoming publication of studies that could be highly useful in that regard. She called on non-governmental organizations and specialists to contribute to the work of the Ad Hoc Committee and congratulated the Government of Mexico on its efforts and the specialists that had worked hard during the process.

Lastly, Under-Secretary Patricia Olamendi Torres pledged that the openness shown by the Government of Mexico at the Meeting would be the benchmark for Mexico's position throughout the process of elaboration of the convention and that Mexico would pursue its dialogue with all interested parties of national and international civil society.

V. Future action

One outcome of the Meeting was the undertaking of the Government of Mexico to prepare a revised draft of elements for a convention, which would be forwarded to participants. The web site www.sre.gob.mx/discapacidad would be kept open for future comments and for the exchange of information.

The Government of Mexico also expressed its intention to hold a meeting in New York at the end of June to brief Permanent Missions to the United Nations and interested non-governmental organizations on the outcome of the Meeting.

The Government of Mexico said that it would contact other delegations with a view to reaching agreement on procedural matters, including the participation of non-governmental organizations, prior to the start of the Ad Hoc Committee's work.

The Government of Mexico also promised to maintain a frank and open dialogue with all parties concerned with the drafting of the convention.

Annexes

List of documents

Title	*Author*	*Country*
Introductory document: On The Path to Building a Comprehensive and Integral United Nations Convention to Protect the Rights and Dignity of Persons with Disabilities	Ministry of Foreign Affairs	Mexico
Text of Elements for a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	Ministry of Foreign Affairs, Presidential Office for the Promotion and Social Integration of Persons with Disabilities	Mexico
Draft: Convention on the Fundamental Rights of Persons with Disabilities	by Holger Kallehauge, President PTU and High Court Judge	Denmark
Draft Convention Prohibiting Discrimination Against Disabled Persons	Revision by John A. Wall	
A Survey of International, Comparative and Regional Disability Law Reform	Theresia Degener and Gerard Quinn Disability Rights and Education Defence Fund [DREDF]	European Union
Employer/Employee Incentives: A New Approach to Employment of Persons with Disabilities in Transitional and Developing Countries. The Polish Experience: Quota-Levy and Incentive System Lessons Learned and Recommendations	Leszek Sibliski World Bank	USA
World Network of Users and Survivors of Psychiatry, WNUSP: – Statement for the Meeting – Suggestions for revision of the Mexican draft Text of Elements for a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities – Position Paper on the Principles for the Protection of Persons with Mental Illness	Tina Minkowitz and Karl Bach Jensen	Denmark

Title	*Author*	*Country*
Preliminary Reflections on a new Thematic Convention on the Rights of Persons with Disabilities	Gerard Quinn, National University of Ireland (Galway)	Ireland
Human Rights and Disability: The current use and future potential of United Nations human rights instruments in the context of disability	Theresia Degener and Gerard Quinn	UNHCHR
Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities following the mandate of General Assembly resolution 56/168	Hagai Aviel, Chairperson of Israeli Association Against Psychiatric Assault (posted by request)	Israel
Comments from an Internet consultation on the Text of Elements for a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	Contributed by Maria Cristina Sará-Serrano Mathiason President, [illegible]ates for Internatio[illegible]nagement Services from inputs to Online Activities	
European Disability Forum: – Manifesto by disabled women in Europe, adopted in Brussels on 22 February 1997 by the European Disability Forum Working Group on Women and Disability – Resolution adopted by the European Disability Forum 2002 General Assembly on the Proposal for a United Nations International Convention on the Rights of Persons with Disabilities	Carlotta Besozzi Membership and Policy Officer European Disability Forum	
Association for International Management Services: – Considerations for the proposed International convention to promote and protect the rights and dignity of persons with disabilities – Statement for the Opening of the Meeting	Maria Cristina Sará Serráno, President of the Association of International Management Services (AIMS) John R. Mathiason, Managing Director of AIMS	Chile/USA USA
Comments on the elaboration of a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	José María García Martín	Spain

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• Ageing and Disability • Comments on the elaboration of a United Nations Comprehensive and Integral Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	Alan Said Sánchez Fuentes Director-General of the "Biocel" Gerontological and Longevity Research Institute	Mexico

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